

LoanCare, LLC, (“Movant”) by and through the undersigned attorney, moves the Court as follows:

1. This Motion is brought pursuant to 11 U.S.C. § 362(d)(1) in accordance with Rule 4001 of the Bankruptcy Rules.

2. On or about February 3, 2020, Debtor(s) filed a petition for an order of relief under Chapter 13 of the Bankruptcy Code, 11 U.S.C.

3. At the time of filing the Chapter 13 petition, Movant held a Note executed on September 15, 2016 by Debtor, Thomas F. Griffin, and Joint Debtor, Stacey L. Griffin, in the original amount of \$255,201.00. A true and correct copy of the Note is attached hereto as Exhibit “A”.

4. The indebtedness is secured by a Deed of Trust dated September 15, 2016, recorded on August 3, and executed by Debtor(s), Thomas F. Griffin and Joint Debtor, Stacey L. Griffin, on real estate with all improvements known as:

**LOT 12, BLOCK A, TOWNSEND VILLAGE, AN ADDITION TO THE CITY OF ROCKWALL,
ROCKWALL COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN
CABINET H, SLIDE 359, PLAT RECORDS, ROCKWALL COUNTY, TEXAS.**

A true and correct copy of the Deed of Trust is attached hereto as Exhibit “B”.

5. Prior to the filing of the petition, Debtor(s) were indebted to Movant according to the terms and conditions of the Note and Deed of Trust.

6. The Debtor(s) Chapter 13 Plan (the “Plan”) (Docket Entry #17) provides that the Movant’s mortgage claim shall be paid directly by the Debtor(s) in accordance with the pre-petition contract.

7. The Debtor(s) have failed to maintain current the post-petition payments due under the note and under Plan. The Plan was confirmed on July 17, 2020 (Docket Entry #41).

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8. As of July 15, 2020, the Debtor(s) are due for eleven (5) post-petition payments including payments due through July 1, 2020 for a total post-petition amount due of **\$8,913.75**.

Number of Missed Payments	From	To	Monthly Payment Amount	Total Amounts Missed
5	03/01/2020	07/01/2020	\$1,782.75	\$9,749.05

Total: \$8,913.75

9. The total amount due to Movant, as of July 15, 2020, is **\$270,228.98**.¹ A true and correct copy of the post-petition payment history is attached hereto as Exhibit “C”.

10. An Affidavit in Support of the Motion for Relief from Automatic Stay is attached hereto as Exhibit “D”.

11. The value of the collateral pursuant to Schedule D is **\$300,000.00**.

12. Debtor(s) have failed to provide adequate protection to Movant which constitutes cause to terminate the automatic stay of 11 U.S.C. §362(a).

13. By reason of the foregoing, Movant requests the Court to terminate the stay so Movant may proceed to foreclose in accordance with its Note and Deed of Trust.

14. Movant reserves the right to assert an 11 U.S.C. § 362(d)(2) Cause of Action, if appropriate, at the hearing on Movant’s Motion for Relief.

15. The provision of Rule 4001(a)(3) should be waived and Movant be permitted to immediately enforce and implement any order granting relief from the automatic stay.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

¹ This amount includes interest, escrow/impound overdraft, suspense balance, miscellaneous expenses due, recording fees, and attorney fees and costs.

a) Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.

b) Alternatively, that Movant be made whole by having all post-petition payments brought current.

c) That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

d) That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

e) That upon entry of an order granting relief from stay, it be exempted from further compliance with Fed. Rule Bankr. P. 3002.1 in the instant bankruptcy case.

f) That Movant be awarded its reasonable post-petition fees and expenses and any such other relief as the Court deems just.

Respectfully submitted,

/s/ Philip S. Traynor

Philip S. Traynor

State Bar No. 24083985

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided via electronic notice and/or Regular U.S. Mail to the parties listed on the attached service list on September 14, 2020.

Debtor

Thomas F. Griffin
1636 Trowbridge Circle
Rockwall, TX 75032

Joint Debtor

Stacey L. Griffin
1636 Trowbridge Circle
Rockwall, TX 75032

Attorney for Debtors

Gregory W. Mitchell
1412 Main Street
Suite 500
Dallas, TX 75202

Trustee

Carey D. Ebert
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Plano, TX 75094-1166

U.S. Trustee

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110 N. College Ave.
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Tyler, TX 75702

Rockwall CAD

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Abbey U. Dreher

Barrett Daffin Frappier Turner & Engel
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Townsend Village Homeowners
Association, Inc
c/o Essex HOA Management
1512 Crescent Drive, Suite 112
Carrollton, TX 75006

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